

ENCROACHMENTS ON CHOCTAW LANDS.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

The information required by a resolution of the House of Representatives of the United States, of the 20th ultimo, in relation to

ENCROACHMENTS BY WHITE MEN,

UPON LANDS CEDED TO THE

CHOCTAW INDIANS,

IN THE TERRITORY OF ARKANSAS.

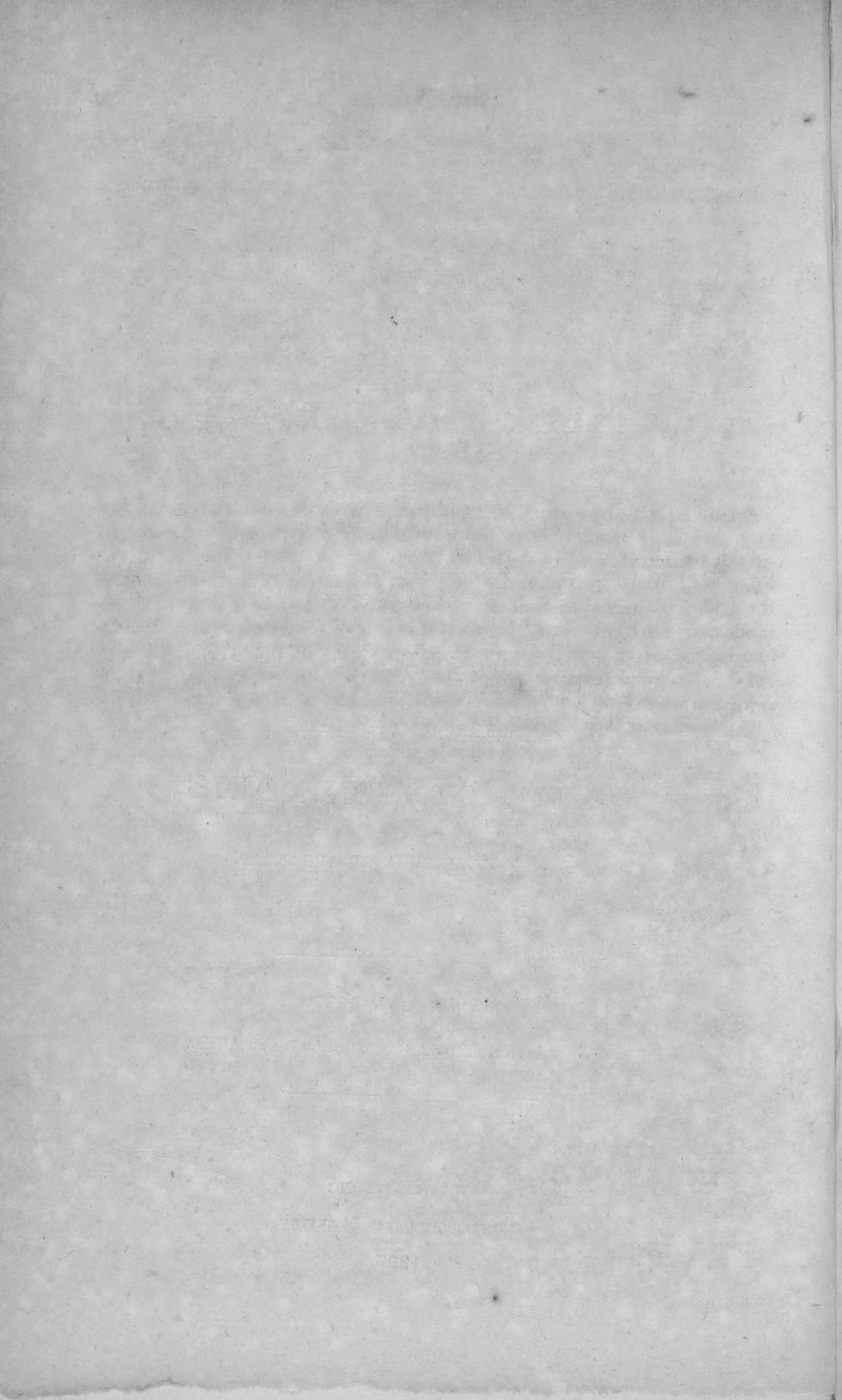
JANUARY 8, 1827.

Read, and referred to the Committee on Indian Affairs.

WASHINGTON:

PRINTED BY GALES & SEATON.

1827.



DEPARTMENT OF WAR,

January 5, 1827.

SIR: I have the honor, in compliance with the resolution of the House of Representatives of the 20th ultimo, directing me to communicate to the House "any information in my possession as to the number of White persons who have encroached upon lands granted to the Choctaw nation of Indians in Arkansas, in lieu of a part of their lands ceded to the United States on this side of the Mississippi," &c. to furnish the accompanying report, made, by my directions, by the officer in charge of the Office of Indian Affairs; and which contains the information called for by said resolution, as far as the same can be furnished from the documents in said office.

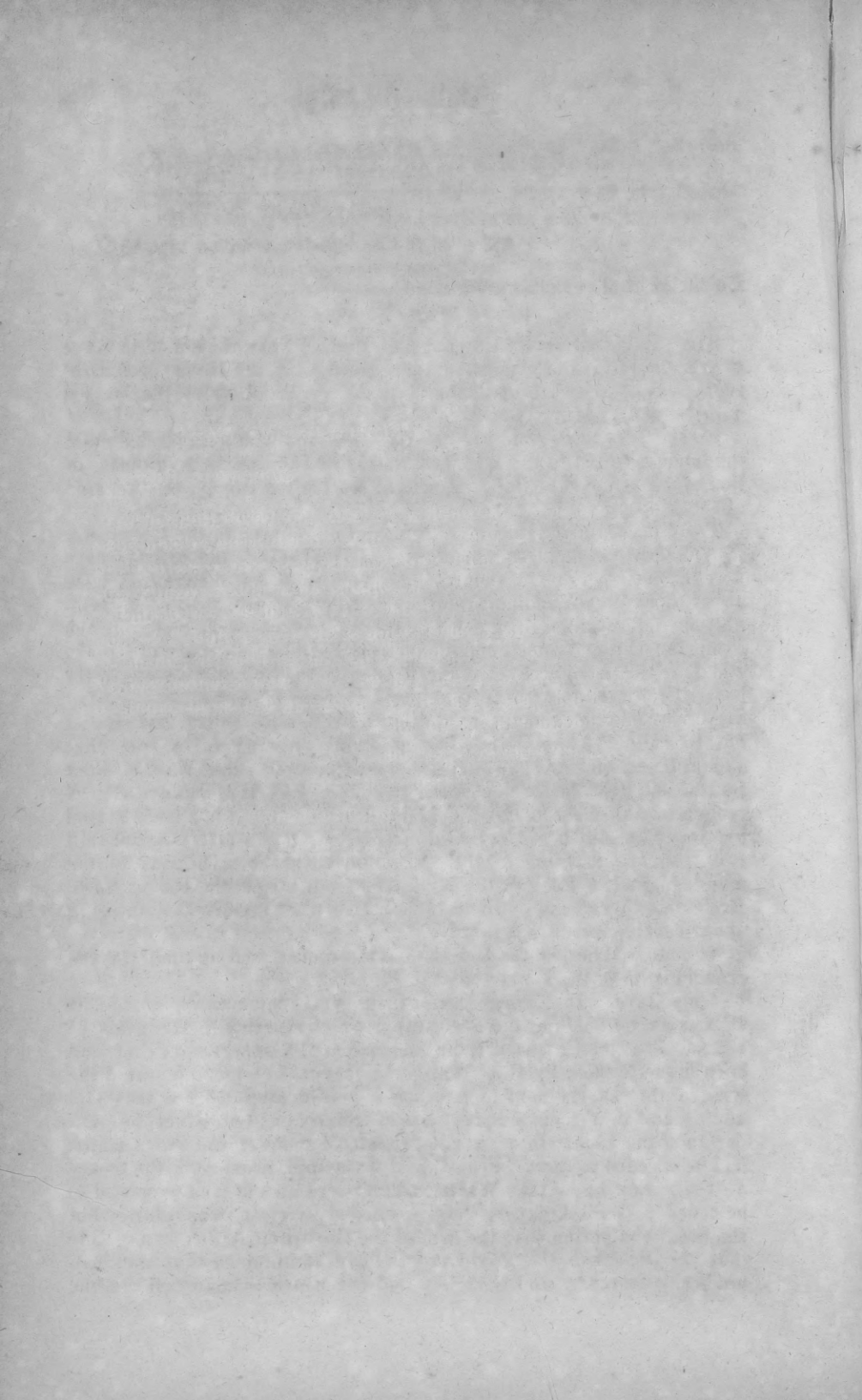
I have the honor to be,

Very respectfully,

Your obedient servant,

JAMES BARBOUR.

To the Hon. the Speaker of the House of Representatives.



DEPARTMENT OF WAR,

Office of Indian Affairs, 4th January, 1827.

To the Hon. JAMES BARBOUR,
Secretary of War :

SIR : In compliance with your directions, I have the honor to make to you the following report, on the resolution of the House of Representatives of the 26th ultimo, and in the order in which the several queries embraced in it occur.

First. "As to the number of White persons who encroached upon the lands granted to the Choctaw nation of Indians, in Arkansas, in lieu of a part of their lands, ceded to the United States, on this side of the Mississippi."

The limits transferring a certain tract of country to the Choctaws, in Arkansas, as defined in the treaty of Doakstand, and which treaty was ratified on the 8th January 1821, were reported to have embraced about three thousand white settlers. In negotiating with the Delegation of Choctaws in this City, in 1825, efforts were made for the extension of the Western boundary, as defined in the treaty of Doakstand, with the view of relieving those settlers. They were earnestly pressed to extend it to the Western boundary of Arkansas. Every argument and inducement were exhausted, to accomplish that object, but in vain. They resisted: but finally agreed on a line that should begin on the Arkansas river, one hundred paces East of Fort Smith, and run thence due South to Red river. How many settlers remain on the West of this line is not known; but it has been stated by Henry D. Downes, Commissioner, &c. that, if a direct line should run from the junction of the Canadian with the Arkansas to the mouth of Jack's Fork of the Kiamichie, and down the Kiamichie to Red river, there would still be included about 375 families, averaging about seven persons to a family.

Second. "Whether the Indians have remonstrated against the encroachments to the Department of War."

They have. It formed part of the first communication of the Choctaws, on opening the negotiation which resulted in the treaty of 1825. They represented their surprise at the information that had been made to them by Col. Ward, the Agent, in which he stated the wish of the Government to procure a modification of the treaty of 1820; and that their surprise was especially excited, when they understood the object to be a re-purchase of some of the lands which had been ceded to them, beyond the Mississippi, previous to the treaty of 1820, and knew that White settlers were on the land proposed to be ceded. Gen. Jackson, they proceeded to state, was informed of the fact, who stated that the arm of the Government was strong, and that *the settlers should be removed*. They complained that they had not been removed; and that they had not heard that any efforts had

been made to effect their removal (See also, copy of a communication from the Choctaw Council, marked A.)

Therefore it was that the first article of the treaty of 20th January, 1825, provides for the removal of such settlers as might be found on the West, to the East side of the line agreed upon, and prevent such settlements from being made on the West thereof in future.

Third. "And whether the Indians consider their lands West of the river Mississippi as guaranteed to them forever."

The terms in the first article of the treaty, are, after the direction of the line is stated, "*It being understood that this line shall constitute, and remain the permanent boundary between the United States and the Choctaws.*" From this phraseology, and which, I remember, the Delegation urged should be put in the *strongest possible terms*, may be inferred their views in relation to the permanency of the line; and which are further illustrated in the paper marked A.

To that part of the resolution which follows, and which calls for information of the number of White persons living on the Choctaw lands in Arkansas, I have the honor to state, that, no census having been taken, their number is not known; neither is the period at which said persons settled on said lands, known; but it is believed to have been, in regard to some of them at least, prior to the treaty of Doakstand. This information is derived from a letter from the Choctaw Delegation, of 22d November 1824, in which they say, in justification of the price they were demanding for their land, "we will advert to another consideration. A part of the country is in the highest degree fertile, especially that bordering on Red river, and in a fine state of cultivation. We have made no improvements ourselves we admit; but they have been made for us. It is a well known fact, that there are fine farms, dwelling houses, cotton gins, and mills of various descriptions, on the land which was ceded to us by the treaty of 18th October 1820; and are these not, in strict justice, our property? These improvements, which were made previous to the treaty of 1820, were sold to us by the Commissioners of the United States. They were apprised of the fact of there being White settlers on that land," &c.

In this same letter, *reference* is made to the number of settlers, and it is stated at five or six thousand.

The above extract from the letter of the Choctaw Delegation, furnishes the best and only estimate of "the extent of the improvements made by said settlers;" but there is nothing in this office to show, to what extent these were made "prior to said Treaty of 1820."

"The quantity of land claimed by the Choctaws, West of the Mississippi," under the Treaty of 1820, is estimated at 8,858,560 acres; about one fourth of which, it is believed, was receded by the Treaty of 1825, assuming which estimate to be correct, there will remain 6,643,920 acres.

"The number of Choctaws living on said land" is not known.

"Whether the Choctaws in the State of Mississippi, have at any time manifested a desire to emigrate to their Western lands, and if so,

what has prevented their removal ; and whether they are at this time willing to emigrate."

In regard to the first, I had the honor, on the 27th ultimo, to report what appears to me to be the true state of the question in regard to the disposition of the Choctaws to emigrate West of the Mississippi. In addition to the opinions and facts which I had then the honor to submit. I now add the following extract of a letter from Colonel Ward, the Agent, of the 16th March last. After stating that he had had several interviews with the Mingos, and Major Pytchlynn, and others, which led him to conclude there would be "no possible chance to effect a Treaty or cession of land ;" and after reporting that the Chiefs expressed "great surprise that the President of the United States should again ask them for a further grant of land in the Arkansas Territory," he adds, "there appears to be something like a spirit (with many of the half-breeds as well as Indians,) to move this Fall beyond the Mississippi, *if this proposition* (to treat) does not discourage them."

What, in my opinion, has prevented the Choctaws (and others,) from removing, I have already had the honor, in my report of the 27th ultimo, to state ; and to those reasons may be superadded, in regard to the Choctaws, especially, the uncertainty in which the proposition to which Colonel Ward refers, has left them, in regard to those very possessions in Arkansas, to which they have been invited to remove. These Indians have been met by propositions for a cession of their lands on both sides of the Mississippi. They are filled with uncertainty ! But do no more than express their "*surprise*," and resolve not to sell. And is it not natural for them, on witnessing propositions for the purchase of their country, both East and West of the Mississippi, that they should remain stationary until they can be satisfied that one is prepared for them which they will not be asked to sell ?

All the information of the willingness of the Choctaws to emigrate which I have, I have had the honor to submit in my report of the 27th ultimo, and in the extract of the letter given in this from Colonel Ward.

I have the honor to accompany this report with "a copy of an order issued by the Secretary of War on the 15th December, 1818, in relation to settlers on the lands now claimed by the Choctaws, West of the Mississippi, (marked B.)

All which is respectfully submitted.

THO. L. M'KENNEY.

A.

CHOCTAW AGENCY, *March 18th, 1826.*

SIR : We the undersigned, Mingoes, or Chiefs and Warriors of the Choctaw nation, having heard a proposition for a further cession of land beyond the river Mississippi, we have come to a resolution

that we will sell no more land on any terms. We also request, that you may see to the diligent execution of the provisions of the Treaty of 1825, where it is stipulated that the White People living on the West side of a line to be run, according to agreement, between us. It has been represented to us by some of our Red Brothers, that said line has been run by a surveyor, and it is found that many White People are on our side of said line. Now we, in behalf of this nation, request that you have all White People removed off the Choctaw lands in the Arkansas Territory, as soon as practicable. It is our wish that all our Brothers, both here and in the Arkansas country, may live in peace and harmony with our White neighbors, and take the advice of good White People. As witness our [hands] this day above mentioned.

Mingo Mushuletubbee, his X mark.

Mingo Robert,

Mingo Tappenahhomah, his X mark.

Astonoeohajo, his X mark.

Hosheshahomah, his X mark.

Ahacatubbee, his X mark.

Coleman Cole.

Faithfully interpreted and witnessed by me.

M. MACKEY, *U. S. Inter.*

To Hon. JAMES BARBOUR, *Secretary of War.*

B.

DEPARTMENT OF WAR,

15th December, 1818.

SIR: Under the late Treaty with the Quapaws and Osages, very extensive tracts of land have been acquired, a considerable portion of which is not intended to be brought immediately into market, and which may hereafter become the means of exchange for lands on this side of the Mississippi, above the mouth of the Kiamichi, and on the Arkansas above the mouth of the Poteau, and to the West of the main branches of the Kiamichi and Poteau, and a line drawn between their sources.

The President has directed me to issue orders to prevent, for the present, the extension of the settlements on Red River. Those persons settled to the West of the line specified, or at points higher up the Red River and the Arkansas, than those mentioned, will be removed.

You will give the necessary orders to carry the views of the President into effect. It will be advisable to take the necessary measures at an early period, so as to give to such families as may be removed, an opportunity to make arrangements for planting the next Spring.

I have, &c. &c.

JOHN C. CALHOUN.

Major General ANDREW JACKSON,
Nashville, Tennessee.